

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1679 Food store and food establishment safety  
**SPONSOR(S):** Representative Bowen  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1886

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture	13 Y, 0 N	Kaiser	Reese
2) Agriculture & Environment Apps. (Sub)		Sneed	Dixon
3) Appropriations			
4)			
5)			

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### SUMMARY ANALYSIS

The Division of Food Safety of the Department of Agriculture and Consumer Services (department) permits and inspects food establishments to assure compliance with sanitation requirements in retail food stores, food processing plants and food distribution points where food is sold to the public. The department issues a permit after determining that a facility is in compliance with sanitation requirements and periodically inspects it to ensure continual compliance with sanitation standards.

Section 500.12, Florida Statutes, authorizes the department to require a food permit for the operation of a food establishment or retail food store, with certain exceptions. The proposed bill amends the exception for minor food outlets that may operate without a food permit to include those which sell non-potentially hazardous, non-perishable food, if the floor space does not exceed 200 square feet, including food storage areas. The department maintains authority to prohibit such an establishment from selling food if the provisions of the chapter are violated.

This proposed bill represents a compromise between the department and industry. The department will no longer be required to provide inspection services to minor food outlets choosing to participate in the expanded exception of the bill. As a result, food permit fees will no longer be collected from eligible, participating food outlets. The number of outlets that will choose to participate is indeterminate; therefore the fiscal impact on state government is unknown. The bill does not appear to have a fiscal impact on local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1679b.ap.doc  
**DATE:** March 30, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |                             |   |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government?                | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

The proposed bill expands an exception from the food permit requirement under section 500.12, Florida Statutes, for minor food outlets which sell only commercially pre-packaged, non-potentially hazardous, non-perishable food, if the floor space for the food items does not exceed 200 square feet.

The department continues to have authority to prohibit any food establishment, including minor food outlets from selling food if it is satisfied the establishment has violated any of the provisions of the chapter.

#### C. SECTION DIRECTORY:

**Section 1:** Amending s. 500.12, Florida Statutes; expanding exception for food permits for minor food outlets.

**Section 2:** Amending s. 500.121, Florida Statutes; amending disciplinary procedures.

**Section 3:** Providing an effective date.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None

##### 2. Expenditures:

None

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None

##### 2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Minor food outlets meeting the criteria of the food permit exception will no longer be required to pay a permit fee. The number of outlets that will choose to participate has not been determined at this time.

D. FISCAL COMMENTS:

The department will no longer be required to provide inspection services to minor food outlets choosing to participate in the expanded exception of the bill. Food permit fees will no longer be collected from these minor food outlets. The number of outlets that will choose to participate has not been determined at this time.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES